

Status: Point in time view as at 27/11/2003.

Changes to legislation: Local Government Act 2003, Cross Heading: Local Government and Housing Act 1989 (c. 42) is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 7

MINOR AND CONSEQUENTIAL AMENDMENTS

Local Government and Housing Act 1989 (c. 42)

- 28 The Local Government and Housing Act 1989 is amended as follows.
- 29 Part 4 (revenue accounts and capital finance of local authorities) ceases to have effect.

Commencement Information

- I1** Sch. 7 para. 29 in force at 18.11.2003 for specified purposes for E. by S.I. 2003/2938, art. 3(h) (with art. 8, Sch.)
- I2** Sch. 7 para. 29 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 30 (1) Section 70 (requirements for companies under control or subject to influence of local authorities) is amended as follows.
- (2) In subsection (2), for “the provisions for the time being made by order under subsection (1) above” there is substituted “ any provisions made by order under subsection (1) above which are for the time being applicable to it ”.
- (3) In subsection (3)—
- (a) for “local authorities” there is substituted “ a local authority ”, and
- (b) for “any” there is substituted “ the ”.
- (4) In subsection (4), for the words from “every” to “prescribed” there is substituted “ a local authority to comply with any requirements for the time being applicable to it ”.

Commencement Information

- I3** Sch. 7 para. 30 in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)
- I4** Sch. 7 para. 30 in force at 27.11.2003 for W. by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 31 For the second sentence of section 80A(4) (overpaid Housing Revenue Account subsidy may be recovered by withholding or reducing subsidy) there is substituted—
- “(4A) Without prejudice to other methods of recovery, a sum recoverable under subsection (4) above may—
- (a) be recovered by withholding or reducing subsidy, and
- (b) if the sum is referable to housing benefit in respect of houses or other property within the authority’s Housing Revenue Account, be

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recovered by withholding or reducing rent rebate subsidy under Part 8 of the Social Security Administration Act 1992.”

Commencement Information

I5 Sch. 7 para. 31 in force at 18.11.2003 by S.I. 2003/2938, art. 2(a) (with art. 8, Sch.)

- 32 In section 88(1)(d) (construction of references in Part 6 to “proper practices”), for “section 66(4) above” there is substituted “ section 21 of the Local Government Act 2003 ”.

Commencement Information

I6 Sch. 7 para. 32 in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. I

- 33 (1) Schedule 4 (keeping of the Housing Revenue Account) is amended as follows.
 (2) In Part 1 (credits to the Account), item 5 (housing benefit transfers) is omitted.
 (3) In that Part, for item 9 (sums directed by Secretary of State) there is substituted—

“Item 9: sums directed by Secretary of State or National Assembly for Wales

Any sums which for the year the authority is required, by reason of a direction given by the appropriate person, to carry to the credit of the account from some other revenue account of theirs.

A direction under this item may require the transfer of sums calculated in accordance with formulae specified in the direction, and any formula so specified may include variables framed (in whatever way the appropriate person considers appropriate) by reference to such matters as the appropriate person thinks fit.”

- (4) In Part 2 (debits to the Account), item 4 (rent rebates) is omitted.
 (5) In that Part, after item 9 there is inserted—

“Item 10: sums directed by Secretary of State or National Assembly for Wales

Any sums which for the year the authority is required, by reason of a direction given by the appropriate person, to carry from the account to the credit of some other revenue account of theirs.

A direction under this item may require the transfer of sums calculated in accordance with formulae specified in the direction, and any formula so specified may include variables framed (in whatever way the appropriate person considers appropriate) by reference to such matters as the appropriate person thinks fit.

In giving a direction under this item, the appropriate person may (in particular) take into account the effect of such a direction on—

- (a) other revenue accounts in the authority’s relevant fund,
- (b) the amounts of council tax falling to be set by the authority under section 30 of the Local Government Finance Act 1992, and
- (c) the authority’s budget requirement under section 32(4) of that Act.

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- In this item the reference to the authority’s “relevant fund” is—
- (a) in relation to England, to the authority’s general fund within the meaning of section 91(2) of the Local Government Finance Act 1988, and
 - (b) in relation to Wales, to the authority’s council fund within the meaning of section 38(1) of the Local Government (Wales) Act 1994.”

Commencement Information

- 17** Sch. 7 para. 33 partly in force; Sch. 7 para. 33(1) in force at Royal Assent see s. 128(1)(b)
- 18** Sch. 7 para. 33(3)(5) in force at 18.11.2003 for E. by S.I. 2003/2938, art. 3(a) (with art. 8, Sch.)
- 19** Sch. 7 para. 33(3)(5) in force at 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1.4.2004 by S.I. 2003/3034, art. 2, Sch. 1 Pt. I (with Sch. 2 para. 5)

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